

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: Carol Linda Hiter

Case No. 17-31592

Debtor

Chapter 13

**ORDER GRANTING MOTION FOR AUTHORITY TO SELL REAL PROPERTY
OF THE DEBTOR'S BANKRUPTCY ESTATE**

THIS MATTER came before the Court on "Debtor's Motion for Authority to Sell Real Property" [Dkt No. 32] ("Motion"). The Motion having been properly noticed to all required parties, and U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust having resolved its Objection [Dkt No. 33] as evidenced by the endorsement of counsel for U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust to this Order, and no other party in interest having filed any objection to the Motion, the Chapter 13 Trustee having consented to same by his signature hereto, it is hereby:

ORDERED that the Motion be, and it is hereby, GRANTED; it is further

ORDERED that the Debtor is authorized to sell that certain parcel of real property to Diane Embler ("Purchaser"), for the purchase price of One Hundred Ninety-Eight Thousand and no/100 Dollars (\$198,000.00), which property is located at 2606 Maplewood Road, Henrico, VA 23228-5520 and more particularly described as follows:

ALL those certain lots of land in Henrico County, Virginia, together with all improvements thereon and all appurtenances thereto belonging, fronting One Hundred (100) feet on the northern line of Maplewood Avenue, between Cottage and Cedar Craft Streets, and designated as Lots 28 and 29, in Block 15 on the plan Hermitage Park, a Plat of which is recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, in Plat Book 12, page 43, to which plat reference is hereby made for the metes and bounds of said lots.

Richard S. Clinger VSB #19632
422 East Franklin Street, Suite 101
Richmond, VA 23219
(804) 788-1655
Counsel for Debtor(s)

BEING the same real estate conveyed to Nancy T. Slate by deed from Anne G. Berkeley and Christopher R. Dean dated March 19, 1999, and recorded March 26, 1999, in the Clerk's Office, Circuit Court, Henrico County, Virginia in Deed Book 2897, Page 0426.

IT IS FURTHER ORDERED that the sale be closed as provided for in the Purchase Agreement [Dkt No. 32-1**-1] (Purchase Agreement); it is further

ORDERED that the proceeds of the sale be distributed first to the costs of sale, the settlement agent shall pay in full to U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust the current payoff amount of \$165,141.86, as of August 20, 2021 within a reasonable time upon the sale of the Property, together with a per diem rate after August 20, 2012 of \$19.68; it is further

ORDERED that the lien of U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust attaches to any and all proceeds of the sale up to the full amount of the payoff to U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust as of the date of such sale, that the lien of U.S. Bank Trust National Association, as Trustee of Chalet Series III Trust is in the first lien position and has secured status; and that closing takes place in a reasonable time; and it is further

ORDERED that from the net proceeds, the settlement agent shall pay to Carl M. Bates, Chapter 13 Trustee, not less than \$3922.76 ; and it further

ORDERED that the balance of the net proceeds, if any, shall be paid to the debtor Carol Linda Hiter and; and it is further

ORDERED that the debtor can execute all documents necessary to convey the real property; and it is further

ORDERED that although Federal rule of Bankruptcy Procedure 6004(h) provides that an order authorizing the sale or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the Order, this Court waives the effectiveness of that Rule, such that this Court orders that this Order shall be effective as of the date of the entry of the Order; and it is further

ORDERED that the Clerk shall mail copies of this Order, once entered, to all parties on the attached service list.

DATED Aug 6 2021

/s/ Keith L Phillips
JUDGE

I ask for this:

Entered On Docket: Aug 6 2021

/s/Richard S. Clinger, Esquire
Richard S. Clinger VSB #19632
422 East Franklin Street, Suite 101
Richmond, VA 23219
(804) 788-1655
Counsel for Debtor(s)

Seen and agreed:

/s/ Keith Yacko
Keith Yacko
McMichael Taylor Gray, LLC
3550 Engineering Drive, Suite 260
Peachtree Corners, GA 30092

Seen, No Objection:

/s/Carl M. Bates, Trustee
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218
804-237-6800

CERTIFICATION OF ENDORSEMENT

I hereby certify that all necessary parties have endorsed this order.

Date: July 28, 2021

/s/Richard S. Clinger
422 East Franklin Street, Suite 101
Richmond, VA 23219

PARTIES TO RECEIVE COPIES:

Carl M. Bates, Trustee
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

US Trustee Office
701 East Broad Street, Room 4305
Richmond, VA 23219-1885

Richard S. Clinger, Esquire
422 East Franklin Street, Suite 101
Richmond, VA 23219

Keith Yacko
McMichael Taylor Gray, LLC
3550 Engineering Drive, Suite 260
Peachtree Corners, GA 30092

Carol Linda Hiter
2606 Maplewood Rd
Henrico, VA 23228